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Docket No. MCP-264

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Joseph R. Codispoti

Serial No. : 09/709,069

Art Unit: 1614

Filed : 9 November 2000

Examiner: D. Jagoe

For : METHOD FOR TREATING MIGRAINE SYMPTOMS WITH
IBUPROFEN AND SALTS THEREOF

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner For Patents, Washington, D.C. 20231 on

April 30, 2003
(Date of Deposit)

Michele G. Mangini
(Name of applicant, assignee, or Registered Representative)

(Signature)

April 30, 2003

(Date of Signature)

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OFFICE OF PETITIONS

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached);
or
- ☐ Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth in
§1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached);
or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in \$1.17(p).

☐ In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of references listed on the attached Form PTO-1449 and Form 609D are enclosed herewith EXCEPT TO THE EXTENT THAT:

☒ Copies were previously submitted in Serial Number 09/709,069 (Atty. Docket MCP-264), but applicant has not received an initialed PTO-1449 or Form 609D.

☒ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ There are no listed references which are not in the English language.

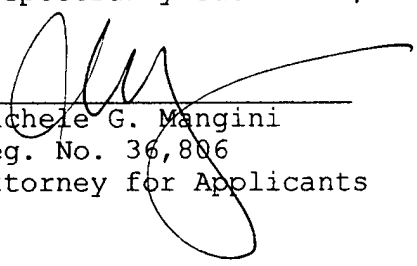
☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☒ Applicant further wishes to bring to the Examiner's attention that Applicant submitted a SNDA to the FDA for the use of MOTRIN Migraine ibuprofen product to treat migraines, and the FDA found the SNDA not approvable on 3 December 1999. Subsequently, McNeil obtained approval for the use of the MOTRIN Migraine ibuprofen product for the "treatment of migraine pain."

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/MCP-264/MGM. This form is submitted in triplicate.

Respectfully submitted,


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DATED: April 30, 2003